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ORDINANCE NO. 4044

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING CHAPTER 25 TO DIVISION 1 OF TITLE 4, ADDING SUBSECTION 16.026(q) TO CHAPTER 2 OF DIVISION 6 OF TITLE 1, AND ADDING CHAPTER 26 TO DIVISION 1 OF TITLE 4, ALL OF THE SAN BERNARDINO COUNTY CODE, RELATING TO THE LICENSING OF RENTAL DWELLING UNITS.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. Chapter 25 is added to Division 1 of Title 4 of the San Bernardino County Code, to read:

Title 4

BUSINESS AND SPECIAL LICENSES, REGULATIONS

DIVISION 1. BUSINESS LICENSES AND REGULATIONS

Chapter 25: Rental Dwelling Units.

Sections:

- 41.2501 Findings and Declarations.**
- 41.2502 Definitions and Scope.**
- 41.2503 License Required.**
- 41.2504 Duration of License.**
- 41.2505 License Non-Transferable.**
- 41.2506 Application for License, Standards of Operation, License Application Fee and Renewal of License.**
- 41.2507 Issuance or Renewal of License.**
- 41.2508 License Denial.**
- 41.2509 Revocation of License.**
- 41.2510 License Revoked.**
- 41.2511 Appeal Rights.**
- 41.2512 Violations.**
- 41.2513 Abatement.**
- 41.2514 Severability.**

1
2 **41.2501 Findings and Declarations.**

3 The Board of Supervisors finds and declares as follows:

4 (a) It is found and declared that there exist in the County of San Bernardino,
5 substandard and unsanitary residential buildings and dwelling units, the physical
6 conditions and characteristics of which render them unfit or unsafe for human
7 occupancy and habitation, and which conditions and characteristics are such as to be
8 detrimental to or jeopardize the health, safety and welfare of their occupants and of the
9 public.

10 (b) It is further found and declared that the existence of such substandard
11 buildings and dwelling units threatens the physical, social and economic stability of
12 sound residential buildings and areas, and of their supporting neighborhood facilities
13 and institutions; necessitates disproportionate expenditures of public funds for law
14 enforcement and remedial action; impairs the efficient and economical exercise of
15 governmental powers and functions; and destroys the amenity of residential areas and
16 neighborhoods and of the community as a whole.

17 (c) Finally, it is found and declared that the business of renting or leasing
18 "Rental Dwelling Units", as defined herein, has resulted in instances of absentee
19 landlords and/or off-site managers, which, in turn, has increased the likelihood of
20 instances of substandard buildings and dwelling units, health violations and crime, all of
21 which are a public nuisance.

22 (d) For these reasons it is hereby declared to be the policy of the County of
23 San Bernardino:

24 (1) That it is in the public interest of the people of the County of San
25 Bernardino to protect and promote the existence of sound and wholesome residential
26 buildings, dwelling units and neighborhoods by the adoption and enforcement of such
27 standards, regulations and procedures as will remedy the existence or prevent the
28 development or creation of dangerous, substandard, or unsanitary and deficient
residential buildings and dwelling units; and,

1 (2) That the adoption of this Ordinance related to the licensing of
2 Rental Dwelling Units is in the interest of the health, safety and welfare of the people of
3 the County of San Bernardino.

4 **41.2502 Definitions and Scope.**

5 (a) Definitions. For purposes of this Chapter, the following terms, phrases,
6 words and their derivations shall have the meanings set forth herein. Words used in the
7 present tense include the future tense, plural words include the singular and singular
8 words include the plural. Words not specifically defined shall be given their common
9 and ordinary meaning. The word "shall" is mandatory and not merely directory.

10 (1) "Applicant" means the owner, or the Owner's Authorized
11 Representative, applying for a License pursuant to this Chapter.

12 (2) "Board of Supervisors" means the Board of Supervisors for the
13 County of San Bernardino.

14 (3) "Clerk of the Board" means the Clerk of the Board of Supervisors.

15 (4) "County" means the County of San Bernardino.

16 (5) "County Code" or "Code" means the San Bernardino County Code.

17 (6) "Family" means a person or persons living together as a single
18 housekeeping unit in a Rental Dwelling Unit.

19 (7) "Licensee" means the person issued a Rental Dwelling Unit License
20 pursuant to this Chapter.

21 (8) "Owner's Authorized Representative" or "Authorized Representative
22 of the owner" means any person authorized by a writing signed by the owner to act on
23 the owner's behalf in regards to an owner's Rental Dwelling Unit(s).

24 (9) "Person" means any individual, firm, co-partnership, corporation,
25 company, association, organization, joint stock association or body politic; and includes
26 any trustee, receiver, assignee or other similar representative thereof.

27 (10) "Rental Dwelling Unit" means any structure or part of a structure,
28 including but not limited to, a home, apartment, condominium, and units of multiplexes
and apartment buildings, which is used as a home, residence or sleeping place by one

1 or more persons and that is rented or leased, in whole or in part, for thirty (30)
2 consecutive days or greater in any consecutive twelve (12) month period.

3 (11) "Rental Dwelling Unit License or License" means the License
4 issued pursuant to this Chapter.

5 (12) "Subject Property" means the underlying real property where the
6 Rental Dwelling Unit is located.

7 (b) Scope. The provisions of this Chapter shall not apply to:

8 (1) Housing accommodations subject to a license under section 41.211
9 et seq. of the County Code. This exception does not apply to residential hotels as
10 defined in California Health and Safety Code Section 50519(b)(1).

11 (2) Housing accommodations in any hospital; state licensed community
12 care facility; convent, monastery, or other facility occupied exclusively by members of a
13 religious order; extended medical care facility; asylum; on-campus fraternity or sorority
14 houses; or on-campus housing accommodations owned, operated or managed by an
15 institution of higher education, a high school, or an elementary school for occupancy by
16 its students.

17 (3) Housing accommodations which a federal, state or local
18 government unit, agency or authority owns, operates, or manages, or which are
19 specifically exempted from municipal regulation by state or federal law or administrative
20 regulation. This exception shall not apply once the governmental ownership, operation,
21 or management regulation is discontinued.

22 (4) Mobilehomes, mobilehome parks, recreational vehicles as defined
23 in Health and Safety Code Section 18010, or recreational vehicle parks.

24 (5) Rental Dwelling Units that have a valid short-term private home
25 rental permit pursuant to Chapter 84.28 of Title 8 of the County Code.

26 (6) Owner occupied single family dwelling.

27 (7) Owner occupied/unoccupied single or multi-family dwelling if
28 rented/leased entirely to member(s) of the owner's family.

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1 **41.2503 License Required.**

2 On and after July 1, 2008, every person who owns a Rental Dwelling Unit, as
3 defined in this Chapter, shall procure and maintain a License from the County, which
4 License shall authorize the person to operate the Rental Dwelling Unit(s) at the subject
5 property/properties described in the License. Only one License is required for a person
6 that owns one or more Rental Dwelling Units in the unincorporated region of the County.

7 **41.2504 Duration of License.**

8 A Rental Dwelling Unit License issued or renewed under this Chapter shall
9 terminate at the expiration of one (1) year from the date of its issuance unless revoked
10 prior to said termination pursuant to section 41.2509.

11 **41.2505 License Non-Transferable.**

12 All Rental Dwelling Unit Licenses issued under this Chapter are non-transferable
13 both as to the location(s) and as to the person holding the License. When the owner of
14 the Rental Dwelling Unit procures such a License, any other person who conducts,
15 manages or carries on such business as an Authorized Representative of the Owner, is
16 not required to obtain an additional License, however, the Authorized Representative
17 must verify that a valid License has been issued and is in effect at all times while
operating the Rental Dwelling Unit.

18 **41.2506 Application for License, Standards of Operation, License Application**
19 **Fee and Renewal of License.**

20 (a) Application for License. The Applicant for an initial, or subsequent
21 renewal of, a License to engage in the business of renting or leasing a Rental Dwelling
22 Unit(s), as defined in this Chapter, shall provide to the Clerk of the Board, on a form
23 prepared by the Clerk of the Board, the following information:

24 (1) The name, address, and telephone number of the owner of the
25 Rental Dwelling Unit.

26 (2) The name, address, and telephone number of the Applicant, if the
27 Applicant is an Authorized Representative of the owner and a copy of the owner's
28 written and signed authorization.

1 (3) A telephone number to contact the owner and/or the Authorized
2 Representative, as provided in the Standards of Operation, as described in subsection
3 (b), herein. A confidential/non-business twenty-four (24) hour contact telephone
4 number, designated by the owner and/or the Authorized Representative as confidential,
5 shall be treated as confidential by the County and shall only be available to authorized
6 representatives of the County.

7 (4) The location and address of the Subject Property/Properties and
8 Rental Dwelling Unit(s).

9 (5) A description of the size and character of the Rental Dwelling
10 Unit(s), including, but not limited to, the type (home, apartment, condominium), the
11 number of units, total square feet, and the number of bedrooms/bathrooms of the Rental
12 Dwelling Unit(s).

13 (6) A Certification signed by the owner/Authorized Representative
14 under penalty of perjury that to the best of their knowledge and belief on the date of
15 application, each Rental Dwelling Unit identified in the application complies with the
16 Standards of Operation, as described in subsection (b), herein.

17 (7) Any other information deemed necessary by the Clerk of the Board
18 in carrying out the provisions of this Chapter.

19 (b) Standards of Operation. As a condition to the issuance or renewal of a
20 Rental Dwelling Unit License under this Chapter, the owner, and the Owner's
21 Authorized Representative (if any), shall be responsible for complying with the following
22 standards:

23 (1) Each Rental Dwelling Unit, and the Subject Property/Properties
24 upon which each Rental Dwelling Unit is located, shall be in compliance with all
25 applicable laws including, but not limited to, those laws enforced by the County Fire
26 Department, County Land Use Services Department (Divisions of Building and Safety
27 and Code Enforcement) and County Department of Public Health, Division of
28 Environmental Health Services.

1 (2) Each Rental Dwelling Unit, and the Subject Property/Properties
2 upon which each Rental Dwelling Unit is located, shall be in compliance with all
3 applicable provisions of the County Code.

4 (3) Each Rental Dwelling Unit, and the Subject Property/Properties
5 upon which each Rental Dwelling Unit is located, shall not be operated, conducted or
6 maintained so as to constitute a public nuisance.

7 (4) The Rental Dwelling Unit(s) and the Subject Property/Properties
8 may be inspected by the County.

9 (5) The owner or any Authorized Representative(s) of the owner shall
10 be available in person, by telephone, by telephone answering machine, or by other
11 electronic messaging device to authorized representatives of the County on a twenty-
12 four (24) hour, seven (7) days a week, basis to receive calls regarding the condition
13 and/or operation of the Rental Dwelling Unit(s) and Subject Property/Properties. Failure
14 to respond to calls in a timely and appropriate manner may result in revocation of the
15 License. For purposes of this subsection, responding in a timely and appropriate
16 manner shall mean that:

17 (A) A response to an initial call shall be made in a prompt and
18 timely manner for the purpose of acknowledging the call and communicating a
19 preliminary plan for any necessary corrective action, and,

20 (B) Within thirty (30) calendar days of the initial call, any
21 necessary corrective action to address any violation of this Chapter shall be completed,
22 unless:

23 (i) Failure to complete the necessary corrective action
24 may jeopardize the health and safety of the occupants, in which case the corrective
25 action shall be completed as quickly as reasonably possible; and/or,

26 (ii) The Director of Land Use Services or the Division
27 Chief of Environmental Health Services determines that additional time to complete the
28 corrective action was reasonable, based on licensee's demonstration that the delay was

1 not caused by the licensee, and the delay was caused by extraordinary circumstances
2 that justify an extension of time to complete the corrective action.

3 (6) A smoke detector(s) shall be installed, in accordance with the
4 manufacturer's instructions, in each Rental Dwelling Unit, as provided by State law and
5 regulations.

6 (c) License Application Fee. The application/license fee set forth in the San
7 Bernardino County Code Schedule of Fees shall accompany all written applications for
8 a Rental Dwelling Unit License, including applications to renew a Rental Dwelling Unit
9 License, issued under this Chapter.

10 (d) Renewal of License. Prior to the expiration of the License, an Applicant
11 shall renew a Rental Dwelling Unit License following the same procedures stated in this
12 section. To ensure County review of an application for renewal prior to expiration of a
13 License, an application to renew must be provided to the Clerk of the Board at least
14 thirty (30) days prior to the expiration of the License. However, no application for
15 renewal of the Rental Dwelling Unit License shall be accepted earlier than ninety (90)
16 days prior to the expiration of the License.

17 **41.2507 Issuance or Renewal of License.**

18 (a) The Clerk of the Board shall not issue or renew a Rental Dwelling Unit
19 License unless and until the Clerk of the Board has received a correct and complete
20 application and the appropriate License fee.

21 (b) No License shall be issued or renewed if the County determines that the
22 Rental Dwelling Unit(s) and/or Subject Property/Properties upon which the Rental
23 Dwelling Unit(s) is/are located is/are not in compliance with any provision of this
24 Chapter.

25 (c) In the event that the application to issue or renew a Rental Dwelling Unit
26 License is denied by the County, the Clerk of the Board shall cause a "Notice of Denial"
27 to be mailed by registered mail, postage prepaid, to the Applicant at the Applicant's
28 mailing address shown on the most recent application or otherwise filed by the
Applicant with the Clerk of the Board. Service may also be made by personal service

on the Applicant or by leaving the notice at the Applicant's residence in the custody of a person over the age of eighteen (18) years of age or older.

41.2508 License Denial.

Any person denied a License pursuant to this Chapter shall not operate a Rental Dwelling Unit within the unincorporated region of the County. An Applicant may appeal the denial to the Board of Supervisors as provided in section 41.2511.

41.2509 Revocation of License.

(a) A Rental Dwelling Unit License issued under this Chapter shall be revoked by the Clerk of the Board upon one (1) or more of the following grounds:

(1) That the Licensee practiced fraud or deceit in obtaining a License under this Chapter.

(2) That the Licensee violated any provision of this Chapter.

(3) That the Rental Dwelling Unit(s) and/or Subject Property/Properties upon which the Rental Dwelling Unit(s) is/are located is/are not in compliance with any provision of this Chapter.

(4) That the Rental Dwelling Unit License was issued in error.

(b) In the event that a Rental Dwelling Unit License is revoked, the Clerk of the Board shall cause a "Notice of Revocation" to be mailed by registered mail, postage prepaid, to the Licensee at the Licensee's mailing address shown on the most recent application or otherwise filed by the Licensee with the Clerk of the Board. Service may also be made by personal service on the Licensee or by leaving the notice at the Licensee's residence in the custody of a person over the age of eighteen (18) years of age or older.

41.2510 License Revoked.

Any person whose License is revoked pursuant to this Chapter shall not operate a Rental Dwelling Unit within the unincorporated region of the County. A Licensee may appeal the revocation to the Board of Supervisors as provided in section 41.2511. A License shall remain revoked unless and until the Board of Supervisors reinstates the

1 License through the appeal process, or the person applies for and is issued a new
2 License.

3 **41.2511 Appeal Rights.**

4 Any person denied a License under this Chapter, or any person whose License
5 has been revoked under this Chapter, may appeal the Clerk of the Board's
6 determination to the Board of Supervisors. Any such appeal must be in writing and
7 must be filed with the Clerk of the Board not more than fifteen (15) days following the
8 Clerk of the Board's deposit into the mails of the Notice of Denial or Revocation
9 pursuant to sections 41.2507(c) or 41.2509(b). The Board of Supervisors may hear
10 appeals directly or in its sole discretion, may appoint a hearing officer to hear any
11 appeal and make a recommendation to the Board of Supervisors pursuant to section
12 12.270, et seq., of the County Code. All decisions of the Board of Supervisors shall be
13 final as to any appeal presented to them.

14 **41.2512 Violations.**

15 Any person violating any of the provisions of this Chapter shall be guilty of an
16 infraction or misdemeanor, and, upon conviction thereof, the penalty shall be as
17 described in section 11.021 of the County Code. In addition, all other sections of
18 Chapter 2 of Division 1 of Title 1 shall apply to this Chapter.

19 **41.2513 Abatement.**

20 Any Rental Dwelling Unit and/or Subject Property operated, conducted or
21 maintained contrary to the provisions of this Chapter shall be, and the same is hereby
22 declared to be, unlawful and a public nuisance, and the County may, in addition to, or in
23 lieu of any other legal or criminal proceedings, commence an action or actions,
24 proceeding or proceedings, for the abatement, removal and/or enjoinder thereof, in
25 the manner provided by law; and shall take such other steps, and shall apply to such
26 court or courts as may have jurisdiction to grant such relief as will abate or remove the
27 nuisance and restrain and enjoin any person from operating, conducting or maintaining
28 a Rental Dwelling Unit and/or Subject Property contrary to the provisions of this
Chapter.

41.2514 Severability.

The provisions of this Chapter are severable, and, if any sentence, section, or other part of this Chapter should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION 2. Subsection 16.026(q) is added to Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code, to read:

16.026 Clerk of the Board.

(q) Rental Dwelling Unit License.

(1) Application/Initial License..... \$50.00

(2) Annual Renewal..... \$50.00

SECTION 3. Chapter 26 is added to Division 1 of Title 4 of the San Bernardino County Code, to read:

Title 4

BUSINESS AND SPECIAL LICENSES, REGULATIONS

DIVISION 1. BUSINESS LICENSES AND REGULATIONS

Chapter 26: Rental Dwelling Units-License Application Fee Waiver

Sections:

41.2601 Findings and Declarations.

41.2602 Definitions and Scope.

41.2603 Rental Dwelling Unit License Application Fee Waiver.

41.2604 Severability.

41.2601 Findings and Declarations.

(a) The Board of Supervisors finds and declares as follows:

(1) That participation by owners of Rental Dwelling Units and participation by their on-site or off-site managers in the Crime Free Multi-Housing

1 Program, as sponsored by the San Bernardino County Sheriff's Department,
2 substantially reduces the risk of substandard and unsanitary conditions that render
3 residential buildings and dwelling units unfit or unsafe for human occupancy and
4 habitation, and jeopardize the health, safety and welfare of their occupants and of the
5 public.

6 (2) That the training provided to owners and managers through the
7 Crime Free Multi-Housing Program covers the eviction process, the Crime Free Lease
8 Addendum (whereby criminal activity committed by renters; other members of their
9 household; and their guests on the rented premises constitute a material breach of the
10 rental agreement and, therefore, an independent basis for eviction), fair tenant
11 screening procedures, the legal rights and responsibilities of tenants and landlords,
12 improving working relationship with law enforcement, and reducing the property's
13 suitability for criminal conduct by identifying the physical or environmental features that
14 invite criminal activity (e.g., inadequate lighting, lack of fencing, fencing that reduces or
15 impairs visibility; overabundance of vegetation that creates hiding spaces or concealed
16 routes of access to or escape from the property).

17 (3) That participation by owners of Rental Dwelling Units and
18 participation by their on-site or off-site managers in a Crime Free Multi-Housing
19 Program substantially reduces the likelihood of such properties becoming blighted or
20 promoting an environment conducive to criminal and nuisance activity, and actually
21 reduces the occurrence of crime and calls for service. As a result, there is an
22 improvement in the quality of life for the tenants of such properties, their neighborhoods,
23 and the community as a whole.

24 (b) For these reasons it is hereby declared to be the policy of the County of
25 San Bernardino:

26 (1) That it is in the public interest of the people of the County of San
27 Bernardino to encourage owners of Rental Dwelling Units, as well as their managers, to
28 participate and continue to participate in the Crime Free Multi-Housing Program, as
sponsored by the San Bernardino County Sheriff's Department; and

1 (2) That it is appropriate to encourage participation in the Crime-Free
2 Multi-Housing Program by waiving the application fee for the Rental Dwelling License
3 required of owners of Rental Dwelling Units under Chapter 25 of this Division, in that the
4 waiver of the fee serves the public purposes described herein.

5 **41.2602 Definitions and Scope.**

6 (a) Definitions. For purposes of this Chapter, the definitions set forth in
7 Chapter 25 of this Division shall apply. Further, the following terms, phrases, words and
8 their derivations shall have the meanings set forth herein. Words used in the present
9 tense include the future tense, plural words include the singular and singular words
10 include the plural. Words not specifically defined shall be given their common and
11 ordinary meaning. The word "shall" is mandatory and not merely directory.

12 (1) "Rental Dwelling Unit License Application Fee" shall mean the
13 application fee set forth in the San Bernardino County Code Schedule of Fees for
14 Rental Dwelling Unit Licenses required under Chapter 25 of this Division, including
15 single-family residences.

16 (b) Scope. The provisions of this Chapter shall only apply to Rental Dwelling
17 Units, as provided in Chapter 25 of this Division.

18 **41.2603 Rental Dwelling Unit License Application Fee Waiver.**

19 (a) The Rental Dwelling Unit License Application Fee required by Chapter 25
20 of this Division, including that required for single-family residences, shall be waived for
21 those applicants who include with their application:

22 (1) a valid certificate issued by the San Bernardino County Sheriff's
23 Department's Public Affairs Division (or other law enforcement agency participating in
24 the International Crime Free Multi-Housing Program) to the applicant or the manager of
25 the Rental Dwelling Unit(s) showing completion of the eight hour training course; and,

26 (2) a valid, final certification (which must be updated yearly by the
27 applicant) issued by the San Bernardino County Sheriff's Department's Public Affairs
28 Division showing that all of applicant's real property/properties where the Rental

Dwelling Units are located has/have completed all phases of the Crime Free Multi-Housing Program.

(b) The application fee waiver available under this section shall apply to both initial and renewal applications.

(c) The application fee waiver available under this section shall only apply to the Rental Dwelling Unit License Application Fee and does not apply to any special inspection or health permit fees.

(d) The failure of the applicant to maintain a current, valid, final certificate for the property/properties where the Rental Dwelling Unit(s) is/are located shall render the waiver of the Rental Dwelling Unit Application Fee null and void; and such fee shall become immediately due and payable.

41.2604 Severability.

The provisions of this Chapter are severable, and, if any sentence, section, or other part of this Chapter should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION 4. This ordinance shall take effect thirty (30) days from the date of adoption.

PAUL BIANE, Chairman
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY OF
THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD

DENA M. SMITH, Clerk of the
Board of Supervisors

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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss.

3 I, DENA M. SMITH, Clerk of the Board of Supervisors of the County of San Bernardino,
4 State of California, hereby certify that at a regular meeting of the Board of Supervisors of said
5 County and State, held on the 5th day of February, 2008, at which meeting were present
6 Supervisors: Brad Mitzelfelt, Paul Biane, Dennis Hansberger, Gary Ovitt, Josie Gonzales
7 and the Clerk, the foregoing ordinance was passed and adopted by the following vote,
8 to wit:

9 AYES: SUPERVISORS: Brad Mitzelfelt, Paul Biane, Dennis
10 Hansberger, Gary Ovitt, Josie Gonzales

11 NOES: SUPERVISORS: None

12 ABSENT: SUPERVISORS: None

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
14 seal of the Board of Supervisors this 5th day of February, 2008.

15 DENA M. SMITH, Clerk of the Board of
16 Supervisors of the County of San
17 Bernardino, State of California

18 _____
19 Deputy

20 APPROVED AS TO FORM:
21 RUTH E. STRINGER
22 County Counsel

23 By: _____
24 Deputy County Counsel

25 Date: _____
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